

**PLAN MINUTES**  
**ELKHART COUNTY PLAN COMMISSION MEETING**  
**HELD ON THE 11TH DAY OF JULY 2024 AT 9:30 A.M. IN THE**  
**MEETING ROOM OF THE ADMINISTRATION BUILDING**  
**117 N. 2<sup>ND</sup> ST., GOSHEN, INDIANA**

1. The regular meeting of the Elkhart County Plan Commission was called to order by the Chairman, Roger Miller. The following staff members were present: Mae Kratzer, Plan Director; Jason Auvil, Planning Manager; Danny Dean, Planner; Danielle Richards, Planner; and James W. Kolbus, Attorney for the Board.

**Roll Call.**

**Present:** Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Dan Carlson, Roger Miller, Brad Rogers.

**Absent:** Steven Clark, Brian Dickerson.

2. A motion was made and seconded (*Edwards/Barker*) that the minutes of the last regular meeting of the Elkhart County Plan Commission, held on the 13th day of June 2024, be approved as submitted. The motion was carried with a unanimous vote.

3. A motion was made and seconded (*Warner/Miller*) that the Elkhart County Zoning Ordinance and Elkhart County Subdivision Control Ordinance be accepted as evidence for today's hearings. The motion was carried with a unanimous vote.

4. The application for the vacation of a portion of an east/west county right-of-way known as CR 152 and for a vacation of a portion of a north/south county right-of-way known as CR 143, for Martin T. Moser & Faith R. Moser Husband & Wife represented by Abonmarche Consultants, on property located on the east of CR 43 and north of US 6, in Benton Township, zoned A-1, was presented at this time.

Danielle Richards presented the Staff Report/Staff Analysis, which is attached for review as *Case #VRW-0379-2024*.

Chris Godlewski, Abonmarche, 315 West Jefferson Blvd., South Bend, was present representing the petitioner. He stated this petition is for the right-of-way vacation for two county roads. He mentioned the roads are very narrow and unimproved, and there is a sign from the highway department that states that there is no maintenance. Mr. Godlewski explained that the landowner has been trying to vacate these roads and incorporate them into the farm. He stated the two items that were brought up in the Tech meeting, were to adjust the right of way width and an easement provided to the neighboring property for a future home build.

Mr. Warner asked if the property was currently owned by Elkhart County Highway. Mr. Godlewski stated that was correct. Mr. Warner asked what the approximate length of the vacation. Mr. Godlewski stated it is a quarter section. Mr. Rogers asked for clarification on what this is called a county road, but the county has never adopted it. He went on to say that the county is not maintaining it. He stated the only ones using this are probably the Moser's. Mr. Godlewski stated that was correct.

There were no remonstrators present.

A motion was made and seconded (*Rogers /Edwards*) that the public hearing be closed, and the motion was carried with a unanimous vote.

The Board examined said request, and after due consideration and deliberation:

**Motion: Action:** Approve, **Moved by** Brad Rogers, **Seconded by** Roger Miller that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for the vacation of a portion of an east/west county right-of-way known as CR 152 and for a vacation of a portion of a north/south county right-of-way known as CR 143 be approved in accordance with the Staff Analysis.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

**Yes:** Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Dan Carlson, Roger Miller, Brad Rogers.

5. The application for primary approval of an 8-lot major subdivision to be known as STONE MILLER BUSINESS PARK, for Edgar W. Miller & Phyllis K. Miller represented by Jones Petrie Rafinski, on property located on the north side of CR 2, 2,105 ft. east of SR 13, in York Township, zoned M-2, was presented at this time.

Jason Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #MA-0338-2024*.

Kenneth Jones, JPR, 232 S. Main St., Goshen, was present representing the petitioner. He stated he agreed with Staff's recommendation. Mr. Rogers asked if this property goes up to the state line. Mr. Jones concurred

There were no remonstrators present.

A motion was made and seconded (*Rogers/Warner*) that the public hearing be closed, and the motion was carried with a unanimous vote.

The Board examined said request, and after due consideration and deliberation:

**Motion: Action:** Approve, **Moved by** Roger Miller, **Seconded by** Steve Edwards that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for primary approval of an 8-lot major subdivision to be known as STONE MILLER BUSINESS PARK be approved in accordance with the Staff Analysis.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

**Yes:** Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Dan Carlson, Roger Miller, Brad Rogers.

6. The application for a zone map change from B-3 and A-1 to A-1, for Robert L. Reed & Tane L. Reed, Husband & Wife represented by, on property located on the west side of SR 15, 3,270 ft. north of CR 24, common address of 58977 SR 15 in Jefferson Township, zoned A-1, B-3, was presented at this time.

Danielle Richards presented the Staff Report/Staff Analysis, which is attached for review as *Case #RZ-0324-2024*.

Rob Reed, 58977 SR 15, Goshen, he stated he is trying to get both pieces of property zoned as residential.

There were no remonstrators present.

A motion was made and seconded (*Rogers/Warner*) that the public hearing be closed, and the motion was carried with a unanimous vote.

The Board examined said request, and after due consideration and deliberation:

**Motion: Action:** Approve, **Moved by** Brad Rogers, **Seconded by** Roger Miller that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from B-3 and A-1 to A-1 be approved in accordance with the Staff Analysis.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

**Yes:** Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Dan Carlson, Roger Miller, Brad Rogers.

7. The application for an amendment to an existing DPUD M-2 known as GL CLARK PARK DPUD M-2 for a new building, for G L Clark Inc. represented by Wightman, on property located on the east side of SR 19, 2,420 ft. north of CR 42, common address of 66540 SR 19 in Harrison Township, zoned DPUD M-2, was presented at this time.

Jason Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0373-2024*.

Terry Lang, Wightman, 1402 Mishawaka Ave., South Bend, was present representing the petitioner. He stated this DPUD was set up for 6 manufacturing buildings and at this point the 5<sup>th</sup> building on the southwest corner of the site.

There were no remonstrators present.

A motion was made and seconded (*Rogers/Barker*) that the public hearing be closed, and the motion was carried with a unanimous vote.

The Board examined said request, and after due consideration and deliberation:

**Motion: Action:** Approve, **Moved by** Steve Edwards, **Seconded by** Phil Barker that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for an amendment to an existing DPUD M-2 known as GL CLARK PARK DPUD M-2 for a new building be approved in accordance with the Staff Analysis.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

**Yes:** Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Dan Carlson, Roger Miller, Brad Rogers.

8. The application for a zone map change from R-1 and B-1 to DPUD R-2 and for primary approval of a 5-lot major subdivision to be known as REASONOVER'S ASH ROAD SUBDIVISION, for Albert Reasonover & Carmen E. Reasonover, Husband & Wife represented by Wightman, on property located on the east side of Ash Rd., 950 ft. north of Old US 33, common address of 56974 Ash Rd. in Baugo Township, zoned R-1, B-1, was presented at this time.

Jason Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0277-2024*.

Mr. Miller asked if there is any connection between this development and the larger development. Mr. Auvil stated not that he was aware.

Terry Lang, Wightman, 1402 Mishawaka Ave., South Bend, was present representing the petitioner. He mentioned that there is a subdivision located immediately to the east of this property called Meadow Glen West. Mr. Lang stated that at this location, there are 5 acres, and they are proposing 5 lots, each 1 acre in size. He mentioned that there is only one potential buyer at this time, and the existing home is on one of the 5 lots. He went on to state that this subdivision would be on city water due to railroad contamination. Mr. Rogers asked about the property just east of this property. Mr. Lange stated that at one time, it was a landscaping business. Now, it is a business that sells sectional temporary offices. Mr. Rogers stated his concern was turning this into a residential area with this type of business beside them. Mr. Lang expressed there should be no concerns. He further noted that this business was surrounded by existing residential sites.

Melonie Sizemore, 30870 Gregory Dr., Elkhart, was present in remonstrance to this petition. She pointed out on the map where her property was situated. She mentioned that currently her property is shielded from traffic and train noise. She expressed concern that all her privacy will vanish once the trees are removed. She also mentioned hearing gunshots and discovering a bullet hole in her bedroom wall. She explained that she does not want to look out from her back porch and see houses. She emphasized that she chose this property 20 years ago for a specific reason and would prefer it to remain that way.

Mr. Lang stated the previous owner must have been the one shooting the guns in the area. He stated there is a new owner of the property. He described that they are only single-family home use and three times the size of Meadow Glen. He also mentioned they are not purposing tearing down the tree lines. He agreed that it was a pretty area.

A motion was made and seconded (*Rogers/Edwards*) that the public hearing be closed, and the motion was carried with a unanimous vote.

The Board examined said request, and after due consideration and deliberation:

**Motion: Action:** Approve, **Moved by** Steve Warner, **Seconded by** Phil Barker that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from R-1 and B-1 to DPUD R-2 and for primary approval of a 5-lot major subdivision to be known as REASONOVER'S ASH ROAD SUBDIVISION be approved in accordance with the Staff Analysis.

Mr. Rogers emphasized that if you don't own the property, you don't have control over it. He posed the question of whether having a Dollar General or other types of businesses would be preferable. He also mentioned that residential development would be more suitable than manufacturing.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

**Yes:** Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Dan Carlson, Roger Miller, Brad Rogers

9. The application for a zone map change from A-1 to DPUD A-1 and for primary approval a 1-lot minor subdivision to be known as HAWKINS DETAILED PLANNED UNIT DEVELOPMENT, for Mitch Hawkins represented by Jones Petrie Rafinski, on property located on the west side of SR 13, 3,450 ft. south of SR 120, common address of 53829 SR 13 in York Township, zoned A-1, was presented at this time.

Jason Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0381-2024*.

Mr. Rogers inquired if BZA had denied the Use Variance in May of 2024 and requested Mr. Auvil to describe the process and its outcome. Mr. Auvil explained the various approaches to proposing a development. He mentioned that the original submission was for a large accessory dwelling, but it didn't comply with the zoning ordinance at the time, which only allowed for a thousand square feet and a single story. He stated the petition was denied by the BZA due to non-compliance with these standards. Mr. Auvil stated that is why we are here, with a DPUD you can deviate from standards. He stated this is a better instrument to make this happen. Mr. Rogers asked why they didn't do the DPUD initially. Mr. Auvil stated they thought it was in their best interest to go that route. He stated the staff can not stop people from filing a petition. He went on to say the staff can guide them and give them direction. Mr. Auvil went on to explain the definition of a Use Variance to the board. Mr. Warner stated he was a member of that BZA board. He stated they explained it was a challenging property, with all the wetlands and variation in structure. Mr. Warner explained they did not want to leave it wide open. Mr. Rogers stated it was understandable and believed the DPUD was the proper route.

Kenneth Jones Jr., JPR, 325 S. Lafayette Blvd., South Bend, was present to represent the petitioner. He stated they are in agreement with the staff report. He went on to say in regards to the former action of the BZA, that they were asking for a couple of variances. He further explained that did not work and that a DPUD was a better tool for this property. Mr. Rogers stated he was not being critical of the process and inquired because it was so recent.

Mitch Hawkins, 53829 SR 13, Middlebury, stated they were recommended to go through the Use Variance process from the county staff. Mr. Rogers asked if the staff at the Development office recommended that. He stated he was told it was JPR pushing that variance. Mr. Miller stated that is not what he had heard from staff. Mr. Jones stated when they submitted the original request it was for two variances and wasn't for Use Variance, it was for two variances of standards. He went on to say he had a conversation at the counter with staff and they suggested a Use Variance instead of the two Developmental Variances. Mr. Rogers stated that the reason why he is bringing this up is because the landowner contacted him. He stated that this has been a highly inefficient process. He asked what is the process and how could Mr. Hawkins have gotten this done more quickly. Mr. Jones stated if it was their bad advice and would be the first to admit it, and maybe it was. He stated this job isn't easy and we make mistakes. He explained reading land use ordinances is not simple. He stated two people can read the same sentence and have a different conclusion. He stated this route seemed more appropriate than the two Developmental Variances, but went with staff's recommendation. Mr. Jones further stated from a citizen perspective, he does not understand why the BZA would have denied either a developmental variance or a use variance. He stated he still does not understand

There were no remonstrators present.

A motion was made and seconded (*Barker/Edwards*) that the public hearing be closed, and

the motion was carried with a unanimous vote.

The Board examined said request, and after due consideration and deliberation:

**Motion: Action:** Approve, **Moved by** Brad Rogers, **Seconded by** Steve Edwards that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from A-1 to DPUD A-1 and for primary approval a 1-lot minor subdivision to be known as HAWKINS DETAILED PLANNED UNIT DEVELOPMENT be approved in accordance with the Staff Analysis.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

**Yes:** Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Dan Carlson, Roger Miller, Brad Rogers

10. The application for a zone map change from GPUD B-3 to DPUD B-3 and for primary approval of a 1-lot minor subdivision to be known as NORTH TRACE RV RESORT DPUD B-3, for North Trace RV Resort LLC represented by Surveying and Mapping LLC , on property located on the west side of CR 29, 1,240 ft. south of CR 56, common address of 72987 CR 29 in Benton Township, zoned GPUD B-3, was presented at this time.

Jason Auvil presented the Staff Report/Staff Analysis, which is attached for review as *Case #DPUD-0374-2024*.

Debra Hughes, Surveying and Mapping LLC, 2810 Dexter Dr., Elkhart, was present representing the petitioner. She stated just as Jason said there is about 45 acres in two parcels. She stated the entrances would be off of CR 29. She further stated there would be a maintenance driveway off of CR 56. She explained the property use will be for a top-quality RV recreational campground. She further explained it will also have an office with a store, community room, swimming pool, pool house, and a maintenance building. She stated there are 230 camping spaces purposed and all have sanitary/sewer, water, and electric hookups. She described what a B-3 zone was to the board. She stated the petitioner was the business owner of Showalter RV in Nappanee and he and his family enjoy traveling the United States to other quality campgrounds. She further stated this was brought forth a year ago as a GPUD. Mr. Rogers stated the problem he had a year ago was the swimming pool being too close to residence. Mrs. Hughes identified where the pool and the pool house have been relocated on the site plan. Mr. Rogers asked what was in the upper left corner of the site plan. Mrs. Hughes stated that's where a drainage basin and a dog park are located. Mr. Rogers stated another concern was the golf carts. He went on to say there has been an off-road vehicle ordinance. He stated there is some concern with golf carts going on CR 29 to head towards Syracuse. He asked if there are any plans for a path. Mrs. Hughes stated that is a concern of the owner as well. She stated there is a side walk a few lots south that goes to Syracuse and will be extended at the owner's expense. Mr. Rogers stated there would be no "trashy" trailer that will be sitting there for years.

Steve Showalter, 23571 CR 38, Goshen, he stated units must be a 10 year or newer rule, there will be exceptions to that. He explained they are not looking for people to stay there for a long period of time to build a deck or shed on the lots. Mr. Miller asked if there was anything in place they can only park there for a limited time. He asked how will that be regulated. Mr. Showalter stated cost will regulate that, and there will not be a seasonal rate. Mrs. Snyder asked if everything be in the one building. Mr. Showalter affirmed that was correct. He mentioned in phase II there will be a laundry, bathhouse, showers, and a storm shelter. Mr. Warner asked how long is your projection on phase II.

Mr. Showalter stated 2026-2027.

Andrew Rumfelt, 16050 CR 56, Syracuse, was present in remonstrance to this petition. He stated that he was a Kosciusko County Deputy and mentioned that they receive a lot of calls for domestic disputes in trailer parks and RV parks. He also mentioned that there was already an RV park in the area, and as a County Deputy, he had been called out in Elkhart County due to not having enough power to take care of the problems in the southern part of the county. He expressed that the last thing we need in Elkhart County or any other county is another trailer park or RV park that is taking calls. He stated that he knows they are saying it is high-end, but there are lake properties worth millions of dollars that still have problems too. As a deputy, he continued to state that he doesn't want another park constructed. He went on to say that as a resident, he doesn't want 200 plus new guests arriving every day.

Colett Corencia, the Executive Director of EHS for Ivy Tech and the property owner of 15856 CR 56 & 15896 CR 56 in Syracuse, spoke in opposition to the petition. She mentioned having discussions with the owner of the proposed RV park and expressed concerns about the pool's proximity to the back side of her property. Colett emphasized the significance of her family's 60-year ownership of the properties and described the impact on privacy due to the proposed development. She also highlighted the wildlife that has inhabited the area for a long time, including a potential eagle's nest that was removed. Colett expressed worries about property encroachment, potential contamination of protected wetlands by human or dog waste, and the impact on her renters due to the adjacent dog park and loose dogs. She also requested a copy of the site plan and pointed out the presence of six other campgrounds within a 30-minute radius. When asked if she currently resides in either property, Colett confirmed that she does not. The discussion regarding the septic system was deferred to the DPUD level.

During the meeting, Mr. Rogers identified on the diagram that there are buffered areas and requested an explanation for them. Mrs. Hughes then pointed out that along the north and west sides of the property, there will be a 25-foot vegetated buffer. She also mentioned that there is a protected wetland along the west line that has been avoided. Additionally, she indicated the presence of a second wetland on the property. Mr. Miller inquired about whether the dog park would be fenced in, to which Mrs. Hughes confirmed that it would be. Mr. Rogers then asked for clarification regarding the grading, and Mrs. Hughes explained that there is a 40 ft. elevation change, noting that a campground generally requires a more uniform slope. She mentioned that some areas would be cut while others would be filled to achieve a consistent grade, referring to sheet 7 in the application for the graded plan. She further elaborated on what the grade would look like on the map, highlighting that the old foundation will be removed and all wetlands will be protected. Mrs. Hughes expressed that the RV park will be unique in Elkhart County, which Mr. Showalter agreed with, emphasizing that there is no other RV park like this one. He added that the community center can be utilized for local events and meetings, and mentioned that the nightly rate would be \$140.00, aiming to attract a higher standard of visitors. Mrs. Hughes also specified that there would not be a dump station and instead, individual connections would be provided. She closed with the park's goal is to have a park that is self-supportive and self controlled. Mr. Rogers asked how the dog park would work. Mr. Showalter explained that it would be a fenced-in area and the owner would have to remain with the dog.

A motion was made and seconded (*Miller/Rogers*) that the public hearing be closed, and the motion was carried with a unanimous vote.

The Board examined said request, and after due consideration and deliberation:

**Motion: Action:** Approve, **Moved by** Roger Miller, **Seconded by** Steve Edwards that the Advisory Plan Commission recommend to the Board of County Commissioners that this request for a zone map change from GPUD B-3 to DPUD B-3 and for primary approval of a 1-lot minor subdivision to be known as NORTH TRACE RV RESORT DPUD B-3 be approved in accordance with the Staff Analysis.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

**Yes:** Phil Barker, Steve Edwards, Steve Warner, Lori Snyder, Dan Carlson, Roger Miller, Brad Rogers

***Board of County Commissioners Approvals Following Plan Commission Recommendations***

11. Jason Auvil reported on June 17, 2024 County Commissioners petition approvals and Middlebury Town Council petition approval.

12. Mae Kratzer went over procedure changes for Plan Commission.

13. A motion was made and seconded (*Warner/Miller*) that the meeting be adjourned. The motion was carried with a unanimous vote, and the meeting was adjourned at 10:40 a.m.

Respectfully submitted,

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Amber Weiss, Recording Secretary

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Lori Snyder, Chairman